

Appendix P: Sexual Harassment/Harassment Based On Race, National Origin, Disability, Religion, Age, Gender, Gender Identity, Gender Expression, and Sexual Orientation/Hostile Work Environment

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POLICY GBA/JFHA

I. Policy Statement

Discrimination in Violation of State or Federal Law

The Alexandria City School Board is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, national origin, disability, religion, age, gender, gender identity, gender expression or sexual orientation. Therefore, the Alexandria City School Board prohibits sexual harassment and harassment based on race, national origin, disability, religion, age, gender, gender identity, gender expression or sexual orientation of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability, religion, age, gender, gender identity, gender expression, or sexual orientation. Further, it shall be a violation of this policy for any school personnel in a position to take remedial action to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability, religion, age, gender, gender identity, gender expression or sexual orientation by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

In addition to the protected classes of all students and school personnel described above and in accordance with federal law, the School Board prohibits age discrimination in any aspect of employment. In addition, it is unlawful to harass school personnel because of his or her age. Harassment can include, for example, offensive or derogatory remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee.

The school division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability, religion, age, gender, gender identity, gender expression or sexual orientation (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

Other Types of Bullying, Harassment and/or Intimidation

Additionally, beyond those forms of harassment or discrimination prohibited by law, it is the goal of ACPS to provide a professional work/school environment free from all forms of bullying, harassment, and/or intimidation. The Alexandria City School Board is committed to a safe, healthy and professional work environment. The Board recognizes that in order to achieve high academic standards, it is essential that all students and personnel be provided a productive and positive educational environment.

Therefore, the School Board strictly prohibits behavior that is not conducive to a professional and respectful workplace environment. Employees and students shall not engage in hostile, humiliating or intimidating behavior, including abusive language or actions, bullying, coercion, intimidation, acts of discrimination or retaliation.

II. Definitions

A. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or (2) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or (3) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e., the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include:

- Unwelcome sexual physical contact;
- Unwelcome ongoing or repeated sexual flirtation or propositions or remarks;
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Graphic comments about an individual's body;
- Sexual jokes, notes, stories, drawings, gestures, or pictures;
- Spreading sexual rumors;
- Touching an individual's body or clothes in a sexual way;
- Displaying sexual objects, pictures, cartoons or posters;
- Impeding or blocking movement in a sexually intimidating manner; or
- Sending sexually explicit or suggestive electronic messages.

B. Harassment Based on Race, National Origin, Disability, Religion, Gender, Gender Identity, Gender Expression or Sexual Orientation

Harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation consists of physical or verbal conduct relating to an individual's race, national origin, disability, religion, gender, gender identity, gender expression, or sexual orientation when the conduct:

1. Creates an intimidating, hostile or offensive working or educational environment; or
2. Substantially or unreasonably interferes with an individual's work or education; or
3. Otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation if it meets the immediately preceding definition include:

- Graffiti containing racially offensive language;
- Name calling, jokes, or rumors;
- Physical acts of aggression against a person or his property because of that person's race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation, hostile acts which are based on another's race, national origin, religion, disability, gender, gender identity, gender expression or sexual orientation;
- Harassment based on nonconformity to gender stereotypes and/or gender identity and expression; and
- Written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation.

C. Hostile, Humiliating or Intimidating Work Environment

“Hostile, humiliating or intimidating work environment” means severe and pervasive conduct that permeates the work environment and interferes with an employee’s ability to perform his or her job. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a hostile work environment. The conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. Offensive conduct that may create a hostile work environment includes, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser can be the victim’s supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. It is important to note that the victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

In addition, the law prohibits discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and any other term or condition of employment.

D. Bullying

“Bullying” means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. “Bullying” shall include, but not be limited to verbal or electronic communication such as cyber-bullying, or a physical act or gesture based on any actual or perceived differentiating characteristics, age, or by association with an individual or group who has or is perceived to have one or more of such characteristics. The “bully” can be the victim’s supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. “Bullying” does not include ordinary teasing, horseplay, argument or peer conflict.

E. School Personnel

“School personnel” means School Board members, school division employees, agents, volunteers, contractors, or other persons subject to the supervision and control of the school division.

III. Complaint Procedure

Regulation GB-R/GBA-R/JFHA-R provides for the appointment of a Compliance Officer and Alternative Compliance Officer responsible for receiving, investigating, and acting upon complaints of discrimination, harassment, bullying, a hostile work environment or unethical conduct prohibited by this policy. Such regulations shall prescribe the procedures for the filing, investigation, and disposition of such complaints.

IV. Retaliation

The school division prohibits retaliation against students, parents or school personnel who:

- Report discrimination, harassment, bullying, a hostile work environment or unethical conduct;
- Participate in any related proceeding; or
- Suggest improvements to division or school practices/procedures.

The Division shall take appropriate action in response to any such retaliation.

V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination, harassment, bullying, a hostile work environment or unethical conduct including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VI. Prevention and Notice of Policy

Training to prevent sexual harassment, harassment based on race, national origin, disability, religion, gender, gender identity, gender expression and sexual orientation, bullying, a hostile work environment and unethical conduct should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each school division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

VII. False Charges

Students or school personnel who knowingly make false charges of discrimination, harassment, bullying, a hostile work environment or unethical conduct shall be subject to disciplinary action as well as any civil or criminal legal proceedings.